



Image

1743

66376-251-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT
Hans BERGER et al.) GROUP: 1743
Serial No.: 09/854,523) EXAMINER: ELIZABETH QUAN
Filed: May 15, 2001) CUSTOMER NO.: 25269
ANALYZING SYSTEM FOR ANALYZING) CONFIRMATION NO.: 8230
MEDICAL SAMPLES

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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 17, 2004

Sir:

Further in response to the Office Action of September 29, 2003, the undersigned herewith submits an executed Terminal Disclaimer on behalf of the owner of this application.

The recordation fee (\$110.00) should be charged to Deposit Account No. 04-2223.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

66376-251-7

In re Application of: **Hans BERGER et al.**

Application No.: **09/854,523**

Filed: **May 15, 2001**

For: **ANALYZING SYSTEM FOR ANALYZING MEDICAL SAMPLES**

The owner*, Roche Diagnostics Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on XX pending second Application Number 09/854,560, filed on May 15, 2001, of any patent on the the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

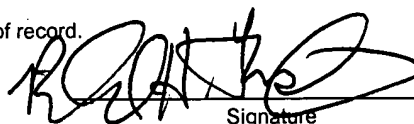
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



March 17, 2004

Signature

Date

Richard H. Tushin, Reg.# 27,297

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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